

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHAKEE PERKINS,

Plaintiff,

v.

ORDER

17-CV-01341 (PMH)

CORRECTION OFFICER RICHARD
ULYSSE, et al.

Defendants,

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PHILIP M. HALPERN, United States District Judge:

Defendants' request for additional time to complete a case presentation concerning Plaintiff's settlement demand (Doc. 103) is granted. Defendants are directed to file a letter advising the Court of the status of settlement by September 30, 2021.

Defendant Bendheim's pending motion for summary judgment (Doc. 89) is denied without prejudice to re-filing, in light of the parties' continuing settlement dialogue. In the event that Defendant elects to re-file, the Court notes the following for consideration: Defendant's Rule 56.1 Statement (Doc. 92) contains references to the "Decl. Seguin," but no such declaration was filed with the motion; and to the extent that exhaustion of administrative remedies under the PLRA is a ground on which Defendant seeks summary judgment as set forth in the Notice of Motion (Doc. 89), then such argument should be included in his memorandum of law in support.

The Clerk of Court is respectfully requested to terminate the pending motion (Doc. 89) and mail a copy of this Order to the *pro se* Plaintiff.

SO ORDERED.

Dated: White Plains, New York
August 23, 2021



Philip M. Halpern
United States District Judge